

## **ORDER SHEET**

### **IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA**

*Constitutional Petition No. D- 563 of 2025  
(Arz Muhamamid & ors v/s. Mst. Gulnaz & Ors.)*

| <b>Date</b>        | <b>Order with signature of Judge</b>  |
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| <u>03.02.2026.</u> | <ol style="list-style-type: none"><li>1. For orders on office objection-A.</li><li>2. For orders on MA No.1974 of 2025. E/A.</li><li>3. For hearing of main case.</li></ol> |

Mr. Zafar Ali Malgani, Advocate for the petitioner.

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Through this constitutional petition, the petitioner, who was the plaintiff in a civil suit for declaration, recovery of damages, and permanent injunction, has assailed the order dated 26.01.2024 passed by the learned trial Court whereby his plaint was rejected, as well as the order dated 07.05.2025 passed by the Revisional Court. Instead of filing a civil appeal, the petitioner invoked the revisional jurisdiction of the Court, which was also dismissed. The petitioner has now approached this Court through the present constitutional petition, challenging the orders passed by both the trial Court and the Revisional Court.

Perusal of the record reveals that the civil suit instituted by the petitioner was hopelessly barred by limitation. The petitioner's own case is that he was acquitted in an FIR on 06.08.2021, yet he initiated proceedings in the year 2023 seeking damages on account of alleged malicious prosecution. Under the law, a suit for damages arising out of malicious prosecution is governed by a limitation period of one year. In this regard, Article 23 of the Limitation Act is squarely attracted to the facts of the present case.

In view of the above facts and circumstances, and as no illegality has been shown in the impugned orders, this constitutional petition is dismissed in *limine*.

***JUDGE***

***JUDGE***